

Exhibit A

PETITION FOR DAMAGES

SYLVIA MCCORPEN

DOCKET NO.: 20210912 DIV.: F

VERSUS

15th JUDICIAL DISTRICT COURT

GODREED MUKISA,
RD EXPEDITED, INC., AND
ACE AMERICAN INSURANCE COMPANY

PARISH OF ACADIA
STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, comes SYLVIA MCCORPEN, a person of the full age of majority, residing in the Parish of Calcasieu, Louisiana, who with respect represents the following:

1.

Made Defendants herein are:

- A. **GODREED MUKISA**, a resident of full age of majority domiciled in Shelby County, Tennessee who can be served via the Louisiana Long Arm Statute at his place of residence, 181 N. Merton Street, Apt 13, Memphis, TN 38112;
- B. **RD EXPEDITED, INC.**, a foreign corporation not authorized to do business in the State of Louisiana, which may be served through the Louisiana Long Arm Statute via its registered agent, Srejovic Accounting Services, 2340 S. River Road, Ste. 208, Des Plaines, IL 60018;
- C. **ACE AMERICAN INSURANCE COMPANY**, upon information and belief, a foreign insurance company authorized to do and doing business in the State of Louisiana, who has by operation of Louisiana Revised Statute 13:3471 appointed the Louisiana Secretary of State as its agent for service of process and can be served at 8585 Archives Avenue, Baton Rouge, Louisiana 70809;

2.

The above-named defendants are justly and truly indebted, jointly and *in solido*, unto Petitioner for damages, injuries, and losses sustained, together with legal interest from the date of judicial demand, costs of these proceedings, and other general and equitable relief described herein for the reasons described hereinafter.

3.

Venue and jurisdiction are proper as the subject accident occurred within the jurisdictional limits of this court.

4.

On or about December 29, 2020 at approximately 6:49 PM, SYLVIA MCCORPEN was operating a 2019 Nissan Altima, traveling eastbound on the Interstate 10 in the right outside lane in Acadia Parish, Louisiana. At that same time, GODREED MUKISA was operating a 2019 Freightline Tractor with a 2019 Van Gaurdvan trailer attached traveling eastbound in the left inside lane on Interstate 10 in Acadia Parish, Louisiana.

5.

Suddenly and without warning, the vehicle operated by GODREED MUKISA proceeded to move into the right outside lane occupied by SYVLIA MCCORPEN, causing the passenger side of the trailer attached to the truck operated by MUKISA GODREED to crash into the driver side of the vehicle occupied by SYLVIA MCCORPEN.

6.

The collision caused by the negligence of GODREED MUKISA, caused serious injuries to SYVLIA MCCORPEN.

7.

In no way, did SYLVIA MCCORPEN contribute to any cause of this accident.

8.

Upon information and belief, at the time of the accident, GODREED MUKISA was in the course and scope of his employment with RD EXPEDITED, INC.

9.

The collision described above was caused solely and proximately by the recklessness, carelessness, negligence and fault of GODREED MUKISA in the following, non-exclusive, particulars, to-wit:

- A. In failing to keep a proper look out;
- B. In failing to keep the vehicle under proper control;
- C. In operating the vehicle in a wanton and reckless manner with no regard for the rights and safety of others;
- D. In traveling into the vehicle occupied by SYLVIA MCCORPEN;
- E. In failing to yield;
- F. In failing to see what he should have seen and if having seen, in failing to heed;
- G. In failing to stop;
- H. In violating the traffic laws of the State of Louisiana; and
- I. Any and all other acts and omissions to be proven through discovery or at the trial of this matter, all of which were in contravention of the exercise of due care and procedure.

10.

RD EXPEDITED, INC., is vicariously liable for the negligent actions of its employee, GODREED MUKISA. Petitioner alleges that a substantial cause of the above-described accident was the fault and/or negligence RD EXPEDITED, INC., which is described in part but not exclusively as follows:

- a. Failing to provide proper driver training;
- b. Failing to employ a safe and competent driver;
- c. Failing to have a proper safety or accident provision program;
- d. Failing to provide reasonable testing, training or professional driving instruction;
- e. Failure to properly instruct drivers; and
- f. Any and all others acts and omissions to be proven through discovery or at the trial of this matter, all of which were in contravention of the exercise of due care and procedure, including but not limited to violations of federal, state and municipal regulations, statutes and ordinances.

11.

Petitioner is informed, believes, and therefore alleges that at the time of the accident the defendant, ACE AMERICAN INSURANCE COMPANY, had issued a liability insurance policy to GODREED MUKISA and/or RD EXPEDITED, INC., insuring GODREED MUKISA and/or RD EXPEDITED, INC. and the vehicle GODREED MUKISA operated, and under the laws of the State of Louisiana, was in full force and effect at the time of the accident, and which insurance inures to the benefit of Petitioner under the provisions of the Louisiana Direct Action Statute, L.A. R.S. 22:1269.

12.

Petitioner further alleges on information and belief that under the terms of the said policy, ACE AMERICAN INSURANCE COMPANY obligated itself to pay any and all damages caused to others as a result of the negligence of GODREED MUKISA in the operation of said vehicle, and the vehicle being driven by GODREED MUKISA, described above, was covered by said policy at the time of said collision.

13.

ACE AMERICAN INSURANCE COMPANY, RD EXPEDITED, INC. and GODREED MUKISA and any other available liability insurance would therefore be liable, *in solido*, unto Petitioner in said collision, which is itemized and set out hereafter.

14.

As a result of the combined fault and/or negligence of the defendants in causing the aforementioned accident, Petitioner, SYLVIA MCCORPEN, suffered serious and disabling injuries to various parts of her body, including, but not limited to, the following: neck, back, head, arms, hands, legs, general soreness to her entire body, and any and all and all other injuries to be shown upon trial of this matter.

15.

As a result of the accident sued upon herein, Petitioner, SYLVIA MCCORPEN, suffered the following damages:

- A. Physical pain and suffering - past, present and future;
- B. Mental pain, anguish, and distress - past, present and future;
- C. Medical expenses - past, present, and future;
- D. Loss of enjoyment of life - past, present and future;
- E. Disability- past, present and future;
- F. Impairment of earning capacity- past, present and future;
- G. Lost wages - past, present, and future: and
- H. Any and all other damages which shall be proven at trial of this matter.

16.

Petitioner herein, SYLVIA MCCORPEN, is therefore entitled to damages for the items set forth above in such amounts as are reasonable in the premises.

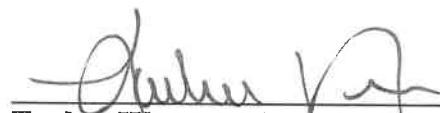
17.

Pursuant to the provisions of the Louisiana Code of Civil Procedure, Article 1423, et sec., Petitioner is entitled to a certified copy of any insurance policies issued to and/or otherwise insuring RD EXPEDITED, INC. and GODREED MUKISA, for the claims made by Petitioner herein. Petitioner herein requests a certified copy of any and all such policies of insurance within thirty (30) days of service of the petition upon them.

WHEREFORE, Petitioner prays that the defendants be served with a copy of this petition and citation, and after all legal delays and due proceedings had, there be judgment in favor of the petitioner, SYVLIA MCCORPEN, and against the defendants ACE AMERICA INSURANCE COMPANY, RD EXPEDITED, INC. and GODREED MUKISA, for compensatory damages in an amount that will fully and adequately satisfy the demands of justice and equity, together with legal interest thereon from date of judicial demand, until paid, and for all cost of these proceedings.

Respectfully Submitted:

GORDON MCKERNAN INJURY ATTORNEYS



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PLEASE SERVE:

GODREED MUKISA,
Through Louisiana Long Arm Statute

RD EXPEDITED, INC.
Through Louisiana Long Arm Statute

ACE AMERICAN INSURANCE COMPANY
Louisiana Secretary of State
8585 Archives Avenue, Baton Rouge, Louisiana 70809

FILED BY 9:00 AM
2021 DECEMBER 11:00 AM

FILED December 2, 2021
Michelle Clancy
DEPUTY CLERK OF COURT
CROWLEY, ACADIA PARISH, LA
A TRUE COPY - ATTEST